



Paper No. 12

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OFFICE OF PETITIONS

In re Application of :
Worfolk, Plotkin, Ravid-Rabinovitz, and Aaronson : DECISION NOTING JOINDER OF
Application No. 10/056,178 : INVENTOR AND PETITION UNDER
Filed : January 22, 2002 : 37 CFR 1.137(a) MOOT
Attorney Docket No. CALY-012 CIP :
For: MULTI-PATH ROUTING DYNAMIC :
ALGORITHM :

This is a decision on the communication filed May 24, 2003, relative to the previous petitions filed under 37 CFR 1.47(a) and 37 CFR 1.137(a).

The above-cited application's status under 37 CFR 1.47(a) is revoked as of the mailing date of this decision because **joinder has occurred**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

JOINDER

The above-identified application was filed without a properly executed oath or declaration. "A Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed on February 28, 2002, which indicated that a proper declaration under 37 CFR 1.63 was missing. The Notice set forth a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A first petition under 37 CFR 1.47(a) was filed on August 19, 2002, along with a petition under 37 CFR 1.137(b). In a decision mailed January 7, 2003, the petition under 37 CFR 1.47(a) was dismissed and the petition under 37 CFR 1.137(b) was declared moot because all that was necessary was an extension of time within the fourth month. Relative to the petition under 37 CFR 1.47(a), the decision allowed an extendable period for reply of two months from the mailing date of the decision. On March 11, 2003, (certificate of mailing dated March 6, 2003) a renewed petition under 37 CFR 1.47(a) was filed along with petition under 37 CFR 1.137(a). In a decision mailed March 17, 2003, the renewed petition under 37 CFR 1.47(a) was granted and the petition under 37 CFR 1.137(a) was dismissed as moot.

The communication filed March 24, 2003, indicates that inventor Plotkin, previously the nonsigning

inventor, has agreed to join the prosecution of the application. A declaration executed by inventor Plotkin was found among the application papers. This declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the joint inventor, status under 37 CFR 1.47(a) is not necessary and will be revoked.

TREATMENT UNDER 37 CFR 1.137(a)

The history of the above-cited application does not indicate that at any point has the application been abandoned. Petitioner, however, continues to file petitions under 37 CFR 1.137(a) and 37 CFR 1.137(b) to revive the application. The undersigned is puzzled by these filings as there is no indication that the application is abandoned and the undersigned has stated such in at least two past decisions. At this juncture, the undersigned still does not see any defect that would result in the abandonment of the application. Accordingly, the petition under 37 CFR 1.137(a) is dismissed as moot. If petitioner still believes that the above-cited application is abandoned, it is requested that petitioner contact the undersigned so that the matter can be further discussed.

The application file is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin

Senior Petitions Attorney

Office of Petitions